

June 7, 2010

The Council of the City of Waterloo, Iowa, met in Regular Session at City Hall Council Chambers, Waterloo, Iowa, at 5:30 p.m., on Monday, June 7, 2010. Mayor Ernest G. Clark in the Chair. Roll Call: Getty, Jones, Greenwood, Schmitt, Welper, Hart. Absent: Cole

Moment of Silence.

Pledge of Allegiance: Sheryl Groskurth, Library Director.

134467 - Hart/Schmitt

that the Agenda, as amended deleting item 19, for the Regular Session on Monday, June 7, 2010, at 5:30 p.m., be accepted and approved. Ayes: Six. Absent: Cole. Motion carried.

134468 - Hart/Schmitt

that the Minutes, as proposed, for the Regular Session on Monday, May 24, 2010, at 5:30 p.m., be accepted and approved. Ayes: Six. Absent: Cole. Motion carried.

Presentation of Waterloo RAGBRAI event. Former Mayor Tim Hurley and Aaron Buzza, Director Waterloo Convention and Visitors Bureau, gave an overview of the Ragbrai process and the benefits to the community.

Mayor Clark performed a signing in of the following Firefighters: Chris Shafer, Justin Williams and Garret Peters.

Recognition of June Team Member of the Month - Mark Brandes.

CONSENT AGENDA

134469 - Hart/Schmitt

that the following items on the consent agenda be received, placed on file and approved:

a. Resolutions to approve the following:

1. Schedule AP642, pp. 1-54, dated June 7, 2010, in the amount of \$2,170,080.18, a copy of which is on file in the City Clerk's office, together with recommendation of approval of the Finance Committee.

Resolution adopted and upon approval by Mayor assigned No. 2010-425

2. Request of Brent Blythe of BJs Bar & Billiards for a variance to the Noise Ordinance on June 17, 2010 from 6:00 p.m. to 10:00 p.m. in conjunction with Full Throttle Thursday event that will be held at 110 Ida Street, including live band, together with recommendation of approval of Captain John Beckman.

Resolution adopted and upon approval by Mayor assigned No. 2010-426

3. Request by James H. Nadeau for a concrete driveway to be located at 240 Ivanhoe Road, together with recommendation of approval.

Resolution adopted and upon approval by Mayor assigned No. 2010-427

4. Request to certify the following assessments to properties for work performed by the Water Works, together with recommendation of approval of Board of Water Works Trustees:

Address	Amount to certify
1668 Woodmayr Drive	\$792.34
315 Denver Street	\$741.75
57 Mulberry Street	\$2,490.00
638 Cottage Street	\$3,200.00
616 Beech Street	\$3,350.00

Resolution adopted and upon approval by Mayor assigned No. 2010-428

b. Motion to approve the following:

1. Appointment of Abraham Funchess to Human Rights Director, effective June 21, 2010.
2. Liquor License Permit Application
Class A
 El Mecca Shrine Club, 325 E. Park Avenue (Renewal) (Expires 6/20/2011)
 (Includes Sunday Sales)
3. Liquor License Permit Application
Class C
 Fanatics Sports Bar and Grill, Inc., 814 LaPorte Road (Renewal) (Expires 6/16/2011) (Includes Sunday Sales)
4. Fireworks Display Application
 Sunnyside Country Club, 1600 Olympic Drive (7/4/2010)
 American Cancer Society, 2101 Kimball Avenue (6/18/2010)
5. Bonds

Ayes: Six. Absent: Cole. Motion carried.

Mayor Clark introduced Abraham Funchess as the new Human Rights Director.

PUBLIC HEARINGS

134470 - Schmitt/Welper

that proof of publication of notice of public hearing on Purchase of Police Department Uniforms and Equipment, as published in the Waterloo Courier on May 24, 2010, be received and placed on file. Ayes: Six. Absent: Cole. Motion carried.

134471 - This being the time and place of public hearing, the Mayor called for written and oral objections and there were none.

Schmitt/Welper

that the hearing be closed and oral and written comments be received and placed on file. Ayes: Six. Absent: Cole. Motion carried.

134472 - Schmitt/Welper

that "Resolution confirming approval of specifications, bid document, etc. in conjunction with the Purchase of Police Department Uniforms and Equipment", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-429.

134473 - Schmitt/Welper

that "Resolution authorizing to proceed in conjunction with above purchase", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-430.

134474 - Schmitt/Welper

to receive, file and instruct City Clerk to open and read bids and refer to Police Chief for review:

Bidder	Detailed Bid Specifications & Bid Amounts
Carpenter Uniform Co. 5801 Thornton Avenue Des Moines, IA 50321	On file in the City Clerk's office
Palace Clothiers 203 E Tower Park Drive Waterloo, IA 50701	On file in the City Clerk's office
Uniform Den Inc 1309 5 th Avenue Moline, IL 61265	On file in the City Clerk's office
Wertjes Uniforms 219 E 11 th Street Cedar Falls, IA 50613	On file in the City Clerk's office

Ayes: Six. Absent: Cole. Motion carried.

134475 - Getty/Hart

that proof of publication of notice of public hearing on Cedar River/Exchange Park Play Structure, as published in the Waterloo Courier on May 27, 2010, be received and placed on file. Ayes: Six. Absent: Cole. Motion carried.

Mr. Schmitt stated that even though we are going to accept the lowest bid he wanted to point out that Boland Recreation is owned by Mr. Schmitt's brother-in-law and his family.

134476 - This being the time and place of public hearing, the Mayor called for written and oral objections and there were none.

Getty/Hart

that the hearing be closed and oral and written comments be received and placed on file. Ayes: Six. Absent: Cole. Motion carried.

134477 - Getty/Hart

that "Resolution confirming approval of plans, specifications, form of contract, etc. in conjunction with Cedar River/Exchange Park Play Structure", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-431.

134478 - Getty/Hart

that "Resolution ordering construction in conjunction with above project", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-432.

134479 - Getty/Hart

to receive, file and instruct City Clerk to open and read bids and refer to Leisure Services Director for review:

Bidder	Bid Amount Option 1	Bid Amount Option 2
Adventure Recreation Inc 1992 Courtland Drive Des Moines, IA 50315	\$29,952.34	
Boland Recreation 2347 Oak Park Road Marshalltown, IA 50158	\$29,882.00	\$28,650.00
John Finn Reese Recreation 155 East Adams Street Spring Green, WI 53588	\$30,000.00	\$30,000.00
Fry & Assoc 101 E 15 th Avenue N Kansas City, MO 64116	\$30,000.00	
Midwest Sales PO Box 416 Bettendorf, IA 52722	\$29,900.00	
Outdoor Rec Products 1055 N 204 th Avenue Elk Horn, NE 68022	\$22,027.00	
Playpower LT c/o All Inclusive Rec Box 932 Monroe, IA 50170	\$30,000.00	\$30,000.00

Ayes: Six. Absent: Cole. Motion carried.

RESOLUTIONS

134480 - Welper/Schmitt

that "Resolution approving support for Deere & Company's application to the State of Iowa through their High Quality Jobs Program and authorizing Mayor to sign and fully execute any necessary documents as sponsor for Deere and Company", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-433.

134481 - Welper/Schmitt

that "Resolution approving the award of contract to Miller Fence Co., Inc. of Waterloo, Iowa in the amount of \$23,295.72 in conjunction with Two (2) Covered Archways at Waterloo Softball Complex - Phase I", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-434.

134482 - Welper/Schmitt

that "Resolution approving Mayor Clark to sign a Great Places grant request for the River Renaissance Trail in the amount of \$140,000.00 with a \$79,837.00 cash match required", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-435.

134483 - Greenwood/Schmitt

that "Resolution approving the installation of a 30 foot wood pole with a 6 foot mast arm and a 100 watt HPS light in the area of 147 St. Criox Drive", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-436.

134484 - Greenwood/Schmitt

that "Resolution approving a study for possible removal of school signals at the intersection of Broadway Street and Edwards Street", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-437.

134485 - Greenwood/Schmitt

that "Resolution approving the submission of Iowa Department of Transportation Traffic Safety Fund Grants for traffic safety improvements at several high hazard intersections", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-438.

134486 - Greenwood/Schmitt

that "Resolution approving the exceeding of agreement amounts in the amount of \$7,000.00 to AECOM in conjunction with F.Y. 2010 Cedar Prairie Trail Bridge Repairs, Contract No. 764", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-439.

134487 - Getty/Schmitt

that "Resolution amending the amount previously awarded by rescinding Resolution No. 2009-737 and approving the award of contract to Kayser Plumbing & Heating of Waterloo, Iowa in the amount of \$49,802.00 in conjunction with General Obligation Bond Demolition Project, Contract No. 163-D-GO-07-20-09", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-440.

134488 - Getty/Schmitt

that "Resolution approving the submission of a grant application to Target to fund 2010-2011 after school-related programs at the Waterloo Center for the Arts", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-441.

134489 - Getty/Schmitt

that "Resolution approving request for a variance to the requirements of Section 11-3-4 (B) of the Subdivision Ordinance requiring that a plat be recorded within nine months of the date of City Council approval to allow for the recording of Denny's First Addition which was approved by the City Council on 12/11/2000", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-442.

134490 - Schmitt/Greenwood

that "Resolution approving the agreement for the City of Waterloo to receive \$41,000.00 from the State of Iowa's Low Head Dam Safety Program for the City of Waterloo portages project and authorizing Mayor to sign and fully execute any necessary documents", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-443.

134491 - Schmitt/Greenwood

that "Resolution approving request by JSA Development, LLC, for an Encroachment Agreement for the purpose of constructing a 3'8" x 5', 13" tall concrete fire escape pad/landing from the fire exit on the far northeasterly corner of the building at 128 East 4th Street and authorizing Mayor and City Clerk to sign and fully execute any necessary documents", be adopted. Ayes: Six. Absent: Cole.

Councilperson Jones stated that in the documentation there was some question as to the pad sticking too far out on the sidewalk. He asked for more information regarding this issue. Noel Anderson, Community Planning and Development Director, stated that essentially to meet the requirements to the rehabilitation to that building they are required to have a fire escape pad/landing. It will be a raised portion of concrete noted by a fence or railing coming out onto the sidewalk so it requires the encroachment agreement since it is approaching onto the sidewalk. Since the downtown buildings are built at zero line setbacks anytime there is an uplanding or anything to that nature staff usually goes to the encroachment agreement process.

Resolution adopted and upon approval by Mayor assigned No. 2010-444.

134492 - Schmitt/Greenwood

that "Resolution approving the Purchase Order to authorize the change in scope for contractual services by Howard R Green Company for the Chamberlain Demolition Observation Services in an amount not to exceed \$92,000.00 and authorizing Mayor and City Clerk to sign and fully execute any necessary documents", be adopted. Ayes: Six. Absent: Cole.

Councilperson Hart asked if the funds are EPA grant funds. Noel Anderson, Community Planning and Development Director, stated that is through the EPA funding source.

Resolution adopted and upon approval by Mayor assigned No. 2010-445.

134493 - Greenwood/Schmitt

that "Resolution accepting and approving the acquisition of property at 600 Southview Street, as granted by court order pursuant to Section 657A of the Iowa Code and authorizing Mayor and City Clerk to sign and fully execute any necessary documents", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-446.

134494 - Greenwood/Schmitt

that "Resolution approving award of contract to Peterson Contractors, Inc. of Reinbeck, Iowa in the amount of \$78,657.00 in conjunction with F.Y. 2010 Riverview Recreation Area OHV Parking Lot and Fencing Improvements, Contract No. 789", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-447.

134495 - Greenwood/Schmitt

that "Resolution approving a three percent wage increase for Non-Bargaining Employees effective July 1, 2010", be adopted. Ayes: Five. Nay: Schmitt. Absent: Cole.

Mr. Schmitt stated he is sorry to bring this up. Nobody has any higher regard for City employees than I do, whether they are bargaining or non-bargaining. A couple months ago I and two other Council members voted against the approval of the budget for next year because we were dipping into the reserve fund or as some of us think the savings account. So I cannot support going into the savings account to pay for employee wage increases and offers as a recommendation pending a vote obviously is that we would look at approving a wage increase based on cost savings we might be able to generate during the 2011 year and make those pay raises retroactive. As we talked about during the budget hearing other places, the County across the street, their employees get a zero percent pay

increase and they have had layoffs. Those of us in the private sector have seen minimal or no pay increases, pay cuts, and furloughs. I just can't in good conscious support item No. 20.

Mr. Getty stated I was one of them that also agreed at that time about taking money from the savings account. However, when you sit and look at it, as Steve mentioned, the non-bargaining employees do a tremendous job for us. I don't think we should treat them any different than the union personnel who all got pay raises. So I will go along with item 20 because the non-bargaining unit deserves a pay raise also.

Resolution adopted and upon approval by Mayor assigned No. 2010-448.

134496 - Greenwood/Schmitt

that "Resolution cancelling regular City Council meeting of July 6, 2010 due to the Independence Day Holiday", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-449.

134497 - Welper/Hart

that "Resolution approving amendment to Northeast Industrial Park Plats No. 1 and No. 2, Deed of Dedication, Article III parking setback, and authorizing Mayor to sign and fully execute any necessary documents", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-450.

134498 - Welper/Hart

that "Resolution setting date of hearing as June 21, 2010 to approve Development Agreement with Farmers State Bank and to sell and convey property at the northwest corner of Jefferson and West 6th Streets to Farmers State Bank for the construction of a 3,200 sq. ft. bank building valued at \$550,000.00", be adopted and City Clerk instructed to publish notice of same. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-451.

ORDINANCES

134499 - Getty/Welper

that "an Ordinance amending the 2008 Traffic Code to restrict parking on the south side of the 300 block of the E. Donald Street access road from 6:00 p.m. to 5:00 a.m.", be received, placed on file, considered and passed for the first time. Ayes: Six. Absent: Cole. Motion carried.

134500 - Getty/Greenwood

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Ayes: Six. Absent: Cole. Motion carried.

134501 - Getty/Welper

that "an Ordinance amending the 2008 Traffic Code to restrict parking on the south side of the 300 block of the E. Donald Street access road from 6:00 p.m. to 5:00 a.m.", be considered and passed for the second and third times and adopted. Ayes: Six. Absent: Cole.

Ordinance adopted and upon approval by Mayor assigned No. 4989.

134502 - Getty/Welper

that "an Ordinance amending the 2008 Traffic Code to allow two (2) hour parking on the north side of the 1400 block of Westfield", be received, placed on file, considered and passed for the first time. Ayes: Six. Absent: Cole. Motion carried.

134503 - Getty/Greenwood

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Ayes: Six. Absent: Cole. Motion carried.

134504 - Getty /Welper

that "an Ordinance amending the 2008 Traffic Code to allow two (2) hour parking on the north side of the 1400 block of Westfield", be considered and passed for the second and third times and adopted. Ayes: Six. Absent: Cole.

Ordinance adopted and upon approval by Mayor assigned No. 4990.

Charles Ohr, stated I have lived downtown for 16 years and have been a developer. I am pleased to say that I am very proud that decision was made 16 years ago and I am still proud to live downtown Waterloo. It has not been an easy process developing old buildings and my concern is that with the requirements of historical tax credits both with the City and the State, that we look carefully at codes that work with rehabbing old buildings and I would even ask that Council look at an overlay of the downtown area where our historical building reside that we might have more liberal or more room to move in considering to rehab any of those buildings. Many of those building the cost of rehabbing them is prohibitive unless you get into state and federal tax credits and those requirements sometimes can be in conflict with other codes. Maybe a consideration of an overlay would be a way to address that. We have spent a lot of money working on the historical district for downtown and I would hope that it would be established in the near future.

Mayor Clark thanked Mr. Ohr for his comments and for his confidence in living downtown and for his finances he has contributed to the downtown area.

Forrest Dillavou, 1725 Huntington Road, stated I also have some concerns. There are a lot of older homes out there that are rehabbed and put out as rental properties or even to people who live in lower income. If we establish tighter, more expensive codes, you are going to knock out a bunch of these houses. Maybe that is the City's goal to tear down everything that doesn't meet a high standard, but we just can't afford to. There are a lot of people who can't afford a brand new home and has anyone looked at what it is going to cost for a new home. With all of these codes, is it going to cost twenty percent more to build a new home in Waterloo with these new codes? Those are questions that I don't have the answers to. I hope you have all read and can tell me after the meeting how much it is going to cost.

Debra Anderson, Building Official/Maintenance Administrator, stated one of the codes that we are adopting is the 2009 existing building code and one of the things it does is looks at the different level of rehab that you have; level 1, 2, 3. One is very little rehab; therefore, you would do less code updates that would have to go along with that. As you do more and more in your scope of work you would have to address more issues. One of the things that it does is brings some consistency as to how much at plan review and at inspection that we have the different buildings updated, so that it is not spelled out by the inspector or plans examiner but by code, how much you would have to rehabilitate versus an opinion of our staff members.

Councilperson Getty, asked if he was going to remodel a home that was built in 1970 would I need to bring it up to 1970 code or to the 2009 code.

Ms. Anderson replied that it depends on what you are doing. If you are doing a small remodel then it would be just that part that is affected by the remodel. That is what the existing building code helps us look at, what is affected by the remodel rather than having staff say well I think that probably effects the stairs and then the front entrance. And based on how much remodel they are doing.

Councilperson Greenwood asked if there is an appeals process on this or something in the code. So if something doesn't make any sense at all to someone in a remodeling project or renovation project.

Ms. Anderson replied that all of the codes have an appeals process that is built into the code, spelled out, there are appeal boards that are available and if a resident disagrees with the interpretation from staff then that avenue is there to go through the appeal process.

Councilperson Greenwood asked if she has had any experience with what Mr. Ohr said about putting an overlay in the downtown area where the historic buildings were to get a waiver for some of the codes.

Ms. Anderson replied that this is kind of a step in the process. Because there are different levels of how much would be rehabilitated depending on the scope of the work is one thing. She has been in different communities where they have specific overlays and usually it is a historic downtown area and that would be something that council would layout. There would basically be their own set of rules and stipulations that would apply to specific areas.

Mayor Clark, asked Ms. Anderson about Mr. Dillavou's question regarding the cost to a new house using the 2009 codes over the 2003 codes necessarily adding any addition cost to a project. Ms. Anderson replied that there is nothing that is that substantial in changing the 2003 to the 2009 codes. Certainly there are a few changes but codes are not radically changed over the course or at least this

time it has not been radically changed. Mayor Clark stated that this really is not going to add to the cost. Ms. Anderson stated that it shouldn't. Mayor Clark stated that one of the things that staff has been trying to do is to try to get some consistency to the codes and continuity in all of the codes. So that when an inspector goes out say today and then again tomorrow then they are asking or saying the same thing. Mayor Clark stated that the city has been terribly lacking in that and are very hopeful that with this adoption of the new set of codes that the continuity and consistency will be accomplished that the city has not had in the past with the inspection process.

Marty Holdt, of AHTS Architects, he wanted to make a comment about the code that affects the downtown in particular. He is very support of adopting the 2009 codes and the consistence that is being talked about is going to be a key item. But one thing that is different in going through a lot of the code issues here with downtown buildings is in the 2003 version of the existing building code, which Ms. Anderson referred to the 2009 version has a section for sprinkler requirements for downtown. The 2003 version exempted residential units from that sprinkler requirement if its under a certain size, etc. where the 2009 version does not keep that exemption in the code. So what that will do is really out of the small buildings or two story buildings the cost of sprinklers is going to be quite high and will discourage residential development downtown. Because most of the existing buildings downtown don't have the water to the building that is adequate which means it would need to start out to street to bring the whole service in and \$30,000.00 later for two apartments you have got quite a bit in sprinklers. He requests to keep the exemption from the 2003 version of the code in the 2009 version. He feels this would have a tremendous impact on the development of downtown.

Ms. Anderson, stated that the part that has been exempted is the residential code which is the 2009 IRC and that would affect 1 in 2 families and townhouses. They have exempted that totally from the sprinkler systems. What Mr. Holdt is referring to is the existing building code and the city currently does not have the existing building code. We have the 1997 Conservation Code. The 2003 existing building code staff disagrees on whether that would of exempted under the reading and it does at certain levels of sprinkler systems. One of those is a change in occupancy, so if there are offices on the second floor and wanted to put residential on the second floor then that would be a change in occupancy. In that case the code would require a sprinkler system to be put in. The other part of the existing building code, of the three levels of changes, if residency already existed on the second floor and was maintained without changing or added any others then it still would not need to have a sprinkler system.

Mr. Holdt stated that is true but what is being run into is most of the buildings downtown don't have residential in the second floor and there is not a whole lot of call for business or other mercantile on the second floor of these buildings especially smaller ones that don't have elevator access and that type of thing. So what is run into is a change of occupancy and in that case you are not already exempted by having residential then you have got to sprinkler the building pretty much cut and dry. That is where he thinks you run into some problems that will be negative towards development downtown.

Councilperson Schmitt asked if the city would have the ability to create certain exemptions for what Mr. Holdt is talking about. Because the plan for downtown in a general sense is that the main level is commercial and then the upper levels are ideally going to be finished off at a residential phase. Well if it is going to be costly to do that then we are defeating the purpose. Is there an ability to create exemptions and still follow the rest of the code.

Ms. Anderson, responded that there certainly can be. It can be the overlay, be specific to downtown, be as specific as the council wants to put together. The ordinance can be brought back to amend it and that specific code or create its own set of criteria.

Donna Nelsen, 514 Columbia Circle, she has been involved in downtown since 1982 or 1983. She stated that Ms. Anderson mentioned that in 1987 downtown was running into problems with the code in trying to get things rolling downtown. In 1997 the Conservancy Code was adopted. She asked if that could still remain in effect. She is happy that the city is trying to get the codes together because it is nice to have everyone speaking from the same place. The problem that has been mentioned here is that when Ms. Anderson was talking about the scope of the project for instance on the Blacks Building it is 226,000 square feet. She states that 31,000 square feet has been remodeled for Roux Orleans and that came to a couple million dollars by the time the equipment and all of the other stuff is in there. She asked if that trigger that they would have to bring up 226,000 square feet, it is a huge building and she doesn't think anyone would realize if it was laying side by side how many blocks it would take up downtown. She is concerned about that and is sure there are others. She spoke with Bob Heaton earlier and not sure if he got here or not. She states that when we are talking buildings that size it is a great concern. She emphasizes

that we want to be safe and do not want to do anything unsafe. We pride ourselves on having very safe buildings and following the codes. If you go through and that building today would probably cost if it had to be built \$150 million dollars. She does not have \$150 million dollars to bring it up to code because it would be a lot of money. She is not saying that they are out of code at this point but the new rules like the sprinklers and other things are much changed from when the city started. This year alone they spent \$250,000.00 on sprinkler updates. She is sure that as they remodel other parts they will be spending that much money. She would like to look at what it is going to trigger for a building this size.

Ms. Anderson, stated that they have different options and it depends on how much they renovate. There are three levels. Because of the size of her building she can proportionally do a lot more and still be in a level one. So it does progress. The other thing is that it brings in the consistency factor. So instead of trying to decide from just the building code where any renovations, remodels, etc. a permit is obtained. Then it has to be decided what it effects and that is where it becomes a little more subjective. Being involved at the beginning to help the designer but instead of trying to figure that out as a group a code will be available to refer to. Everyone will be starting at the same page, same code book. Rather than have staff telling them what needs to be done it will be in the code. Then the next time it would be a little different, because the interpretation changes a little bit, that is what the code is for. The existing building code is one of the family of International Codes and that is what its purpose is.

Councilperson Schmitt stated that there has been a mention in the Courier about whether council is rushing this at all. He knows that this is something that everyone wants to do for the consistency and that is what we are trying to get to. But he is wondering if it would be better rather than approving this and have a bunch of appeals to back off this for a week or month to make everyone aware of what we are proposing to do to get developers/property owners together to talk about all of the what ifs to get them resolved now rather than go through the process.

Ms. Anderson stated that part of the process would be that we obviously can't get to every what if that comes up. Certainly there is the option of not adopting that part of the ordinance because it is a separate code. She stated the parts that could or could not be adopted. She talked about a seminar that will be held on June 12, 2010.

Mayor Clark stated that Ms. Anderson has been working on this almost since the day she walked through the door. And that there have been many meetings set with several staff regarding these codes. There can always be something to debate in this code issue and he is hopeful that staff has gotten this far. We are trying to get consistency and continuity. He feels we have it with these and if there needs to be some tweeking it can be done but he hopes everyone would see the need that they are here and have gotten to this point. Lets adopt them and if they need tweeked we can.

Councilperson Schmitt stated that the private enterprise people will be effected. He has seen the public sector involved but he would like to see the private sector involved.

134505 - Getty/Hart

that "an Ordinance amending the 2008 edition of the National Electrical Code to clarify and ensure consistency with other City codes", be received, placed on file, considered and passed for the first time. Ayes: Six. Absent: Cole. Motion carried.

134506 - Getty/Hart

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Ayes: Five. Nay: Schmitt. Absent: Cole. Motion failed for lack of 2/3 vote.

134507 - Getty/Hart

that "an Ordinance amending the 2009 edition of International Fire Code and the deletion of the NFPA 101 and NFPA 1 codes", be received, placed on file, considered and passed for the first time. Ayes: Six. Absent: Cole. Motion carried.

134508 - Getty/Hart

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Ayes: Five. Nay: Schmitt. Absent: Cole. Motion failed for lack of 2/3 vote.

134509 - Getty/Hart

that "an Ordinance amending the 2009 edition of International Mechanical Code to bring consistency and the most up-to-date enforcement policies", be received, placed on file, considered and passed for the first time. Ayes: Six. Absent: Cole. Motion carried.

134510 - Getty/Hart

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Ayes: Five. Nay: Schmitt. Absent: Cole. Motion failed for lack of 2/3 vote.

134511 - Getty/Hart

that "an Ordinance amending the 2009 edition of International Property Maintenance Code to bring consistency and the most up-to-date enforcement policies", be received, placed on file, considered and passed for the first time. Ayes: Six. Absent: Cole. Motion carried.

134515 - Getty/Hart

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Ayes: Five. Nay: Schmitt. Absent: Cole. Motion failed for lack of 2/3 vote.

134517 - Getty/Hart

that "an Ordinance amending the 2009 edition of Uniform Plumbing Code to bring consistency and the most up-to-date enforcement policies", be received, placed on file, considered and passed for the first time. Ayes: Six. Absent: Cole. Motion carried.

134518 - Getty/Hart

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Ayes: Five. Nay: Schmitt. Absent: Cole. Motion failed for lack of 2/3 vote.

134520 - Getty/Hart

that "an Ordinance amending the 2009 edition of International Building Code to bring consistency and the most up-to-date enforcement policies", be received, placed on file, considered and passed for the first time. Ayes: Six. Absent: Cole. Motion carried.

134521 - Getty/Hart

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Ayes: Five. Nay: Schmitt. Absent: Cole. Motion failed for lack of 2/3 vote.

OTHER COUNCIL BUSINESS

134523 - Hart/Schmitt

that Iowa Public Official Bonds for Board of Trustees Craig Caslavka and Terry Kuntz, be received and placed on file. Ayes: Six. Absent: Cole. Motion carried.

134524 - Hart/Schmitt

that Change Order No. 2 for an increase in the amount of \$13,534.28 for work performed by Peters Construction Corporation of Waterloo, Iowa in conjunction with the 2009 Waterloo Boat House Project, be approved. Ayes: Six. Absent: Cole. Motion carried.

134525 - Hart/Greenwood

to instruct Street Superintendent to prepare specifications, bid document, form of contract, etc. in conjunction with Emulsions for Seal Coating Program, be

received, placed on file and approved. Ayes: Six. Absent: Cole. Motion carried.

134526 - Hart/Greenwood

that prepare specifications, bid document, form of contract, etc. in conjunction with Emulsions for Seal Coating Program, be received and placed on file. Ayes: Six. Absent: Cole. Motion carried.

134527 - Hart/Greenwood

that "Resolution preliminarily approving prepare specifications, bid document, form of contract, etc. in conjunction with the above described project", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-452.

134528 - Hart/Greenwood

that "Resolution setting date of hearing on prepare specifications, bid document, form of contract, etc. and bid opening as June 21, 2010 at 5:30 p.m. in the City Hall Council Chambers on the above described project", be adopted and City Clerk instructed to publish notice of same. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-453.

134529 - Hart/Getty

to instruct City Engineer to prepare plans, specifications, form of contract, etc. in conjunction with F.Y. 2010 Dry Run Arch Valve Purchase, Contract No. 793, be received, placed on file and approved. Ayes: Six. Absent: Cole. Motion carried.

134530 - Hart/Getty

that plans, specifications, form of contract, etc. in conjunction with F.Y. 2010 Dry Run Arch Valve Purchase, Contract No. 793, be received and placed on file. Ayes: Six. Absent: Cole. Motion carried.

134531 - Hart/Welper

that "Resolution preliminarily approving plans, specifications, form of contract, etc. in conjunction with the above described project", be adopted. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-454.

134532 - Hart/Welper

that "Resolution setting date of hearing on plans, specifications, form of contract, etc. and bid opening as June 21, 2010 at 5:30 p.m. in the City Hall Council Chambers on the above described project", be adopted and City Clerk instructed to publish notice of same. Ayes: Six. Absent: Cole.

Resolution adopted and upon approval by Mayor assigned No. 2010-455.

ORAL PRESENTATIONS

John Murphy, 125 Devonshire, this is to praise some of the city workers and some of the community businesses that have helped him and some of the armed forces that have just come out of Iraq. In the middle of May his son called him from Iraq, he is with the 455th Transportation Unit out of Waterloo, Iowa. His son said that they would be leaving Iraq and didn't have a firm date. He came to speak to the Mayor and spoke to his secretary, Michelle to ask if there were certain things that he need to have done. She was very helpful and gave him some names of people he knows. He went to Paul Huting to have some of the welcome home signs put up on the marquee on the ice arena and also at the Five Sullivan Brothers Convention Center. He went ahead and he got all of that taken care of. Lamar Corporation put the signs up on San Marnan and La Porte Road and in Cedar Falls. There was a lot of people of involved in doing this. The biggest problem that we had was there was no time when they were coming. They are coming back from Indiana by bus. They flew in from Iraq to Indiana. His son, who is a Staff Sergeant said he would give him a call when they are on their way back. He stated that he woke up and they were in-between Cedar Rapids and Iowa City. So he called Captain Beckman and told him that he is about an hour and a half early. He stated that Captain Beckman was unsure of whether he could put it all together but he would. He got everyone together and did a tremendous job at put this together on short notice. The Freedom Riders for the Amvets in Cedar Falls and there were so many motorcycles there. He called the

Courier & KWWL and they made it out there. All of the soldiers were very pleased at the turnout at the Reserve Center. He wanted to thank everyone that showed up and did the work they did. This is their second tour in Iraq and it was a warmhearted thing to come back to. Mayor Clark thanked his son for serving in the armed forces and thanked Mr. Murphy for his comments.

Forrest Dillavou, 1725 Huntington Road, he thanked Councilperson Schmitt for delaying all of the ordinance changes. He encouraged council to visit with the Black Hawk County Landlords. They have very strong concerns and pleaded to get them more involved. He thinks this is a major change that will effect each and everyone of them and suggests to inform them what the changes will be.

John Sherbon, 1715 Robin Road, all of the meetings tonight is a good example that no one knows what is going on until Friday when it is put in the paper. He stated there was nothing on the website to tell citizens that there new codes being worked on, and most people are made aware of this three days before. He knows a number of people that are totally unhappy and no recourse. A lot of churches are losing money and just barely have their doors open. He asked if they deserve special recognition or discount too.

134533 - Hart/Welper

that the above oral comments be received and placed on file. Ayes: Six. Absent: Cole. Motion carried.

134534 - Hart/Welper

that the council adjourn to Executive Session at 7:07 p.m. Ayes: Six. Absent: Cole. Motion carried.

City Attorney Jim Walsh stated that discussion of acquisition of property is an approved topic of Executive Session pursuant to Iowa Code Section 21.5(1)(j)(2009).

E X E C U T I V E S E S S I O N

134535 - Hart/Schmitt

that the council adjourn Executive Session at 7:26 p.m. Ayes: Six. Absent: Cole. Motion carried.

134535 - Hart/Schmitt

to proceed. Ayes: Six. Absent: Cole. Motion carried.

ADJOURNMENT

134536 - Hart/Schmitt

that the Council adjourn at 7:26 p.m. Ayes: Six. Absent: Cole. Motion carried.

Suzy Schares
City Clerk